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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 08/987,995 | 12/10/1997 | JAMES NICHOLAS SEYMOUR | 200-007711-U | 6949 |

29683 7590 08/30/2006

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EXAMINER

MEHRPOUR, NAGHMEH

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2617

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 08/987,995 | SEYMOUR, JAMES NICHOLAS | |
| | Examiner | Art Unit | |
| | Naghmeh Mehrpour | 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 12-19**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Saji (US Patent Number 5,471,486) in view Yamamoto (US Patent 5,327,482).

Regarding **claims 12, 19**, Saji teaches a radio telephone (see figures 4) including (see figure 5) a rechargeable power supply 11 and having coupling means (a1, b1, a2, b2) (col 4 lines 40-61) for connecting to a charger unit 6 (see figure 4) for charging the power supply 11 (see figure 5), the radiotelephone (see figure 5, col 4 lines 5-12) comprising:

sensing means 15 associated with the coupling means (a1 b1, a2 b2) and operable to sense the absence or the presence of the charging unit 6 (radio telephone handset) being connected(a1 , b1, b2, b2) to the charger unit 6 (col 6 lines 60-66). Saji fails to teach an inhibiting means in such a manner that when the sensing means sense absence of the charging unit the inhibiting means automatically inhibits operation of the radiotelephone. However, Yamamoto teaches a radio telephone (see figure 19)

'comprising: an inhibiting means responsive to the means in such a manner that when the sensing means 54 senses the absence of the charging unit 200 handset (col 8 lines 49-54/, if the handset 200 is not mounted on the charger 300, it results in the battery exhaustion, and the inhibiting means automatically inhibits operation of the radio telephone (col 8 lines 45-66). Since Saji teaches a radio telephone that detects the absence or present of charging unit 6, and Yamamoto teaches a radiotelephone that when it detects the absence of the charging unit 200, it inhibits using the phone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Yamamoto with Saji, in order to enable the user to protect her/his cell phone from being used in case of being stolen.

Regarding **claim 13**, Saji fails to teach a radiotelephone wherein the sensor and the inhibiting means are operative for a power on mode of the radiotelephone. However Yamamoto teaches a radiotelephone wherein the sensor and the inhibiting means are operative for a power on mode the radiotelephone (col 6 lines 44-62, col 8 lines 45-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Yamamoto with Saji, for the purpose of making the phone unusable in case of being lost or stolen.

Regarding **claim 14**, Saji fails to teach a radiotelephone wherein the inhibiting means is adapted to inhibit access to information stored in the radiotelephone. Yamamoto teaches a radiotelephone wherein the inhibiting means is adapted to inhibit the

operation of the phone (col 8 line 63-66), therefore, Yamamoto inherently inhibit access to information stored in the radiotelephone. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching with Yamamoto, in order to reduce the frequency overlap in a radio personal communications system.

Regarding **claim 15**, Saji fails to teach a radiotelephone wherein the inhibiting means is adapted to inhibit making outgoing call from a radiotelephone. Yamamoto teaches radio telephone wherein the inhibiting means is adapted to 'inhibit making outgoing call from a radiotelephone (col 8 lines 63-66). Yamamoto teaches a system wherein, in case of the absence of the handset 200 from the charger 300, this causes the operation of the phone is inhibited (col 8 lines 63-66), when the operation of the phone is inhibited, the outgoing call from the radiotelephone is not possible. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Saji with Yamamoto, in order to prevent the transceiver from transmitting at the previously selected frequency if the connection has been lost.

Regarding **claim 16**, Saji fails to teach a radiotelephone comprising a memory means for storing subscriber information and an inhibiting means for inhibiting access to subscriber information stored in the memory means. Yamamoto inherently teaches a radiotelephone comprising a memory means for storing subscriber information (col 4 lines 46-48) and the inhibiting means is adapted to inhibit access (col 8 lines 63-66) to

Art Unit: 2617

subscriber information stored in the memory means (col 4 lines 46-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Yamamoto with Saji, in order to enable the user to save a predetermined sequence (security code) of keystrokes that employs to disable some of the keys for the purpose of providing anti-theft feature.

Regarding **claim 17**, Saji teaches a radio telephone (see figures 4) wherein the sensor 15 (see figure 5) is adapted to sense a charging voltage 14 for charging the rechargeable power supply 11 of the radio telephone 1 (col 4 lines 50-67 col 5 lines 1-3).

Regarding **claim 18**, Saji fails to teach a radiotelephone wherein the operation of the radiotelephone is restorable responsive to a security code input to the radiotelephone. Yamamoto teaches a radiotelephone wherein the operation of the radiotelephone is restorable responsive to a security code input to the radiotelephone (col 7 lines 44-68). Yamamoto teaches a radiotelephone that previously stores its security code in an ID card. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Yamamoto with Saji, in order making it impossible for a theft to use the cellular phone.

Response to Arguments

3. Applicant's arguments filed 5/11/06 have been fully considered but they are not persuasive.

In response to applicant's argument that Saji fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sensing means is an element of the radio telephone, not of the charging unit) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's Saji argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Saji teaches a radio telephone (see figures 4) including (see figure 5) a rechargeable power supply 11 and having coupling means (a1, b1, a2, b2) (col 4 lines 40-61) for connecting to a charger unit 6 (see figure 4) for charging the power supply 11 (see figure 5), the radiotelephone (see figure 5, col 4 lines 5-12) comprising: sensing means 15 associated with the coupling means (a1 b1, a2 b2) and operable to sense the

absence or the presence of the charging unit 6 (radio telephone handset) being connected(a1 , b1, b2, b2) to the charger unit 6 (col 6 lines 60-66). Saji fails to teach an inhibiting means in such a manner that when the sensing means sense absence of the charging unit the inhibiting means automatically inhibits operation of the radiotelephone. However, Yamamoto teaches a radio telephone (see figure 19) 'comprising: an inhibiting means responsive to the means in such a manner that when the sensing means 54 senses the absence of the charging unit 200 handset (col 8 lines 49-54/, if the handset 200 is not mounted on the charger 300, it results in the battery exhaustion, and the inhibiting means automatically inhibits operation of the radio telephone (col 8 lines 45-66). Since Saji teaches a radiotelephone that detects the absence or present of charging unit 6, and Yamamoto teaches a radiotelephone that when it detects the absence of the charging unit 200, it inhibits using the phone. Therefore, by combining the above teaching of Yamamoto with Saji, enabling the user to protect her/his cell phone from being used in case of being stolen.

In response to the applicant's argument that Yamamoto does not teach "inhibiting means" because transmitting that signal is Yamamoto is unrelated to response or absence of the charger unit.

The Examiner asserts that in the present application the claims referee to inhibiting means, Yamamoto describes a theft detection function continuously **transmits a theft signal (inhibiting means)** from the branch unit until the battery of the branch unit is exhausted. Again features of applicant's application, it is noted that the features upon which applicant relies are not recited in the rejected claims. Although the claims

are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that Yamamoto fails to show certain features of applicant's application, it is noted that the features upon which applicant relies, again the Examiner asserts that (i.e., inhibiting means that automatically inhibits operation of the radio telephone when the sensing means sense absence of the charging unit, not of the charging unit) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

August 29, 2006



MELODY MEHTA
PATENT EXAMINER